

2009 DRAFTING REQUEST

Bill

Received: **09/10/2008**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Transportation**

By/Representing: **Kristie J. N. Nielson Corning**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **kristie.nielson@dot.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

U-Turns on highways (NB 0911 29)

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 09/10/2008	jdye 09/12/2008		_____			
/1			rschluet 09/12/2008	_____	mbarman 09/12/2008		
/2	emueller 02/27/2009	jdye 03/02/2009	mduchek 03/02/2009	_____	sbasford 03/02/2009		
/3	emueller	jdye	rschluet	_____	lparisi		

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	04/17/2009	04/21/2009	04/21/2009	_____	04/21/2009		
/4	emueller 05/06/2009	jdye 05/06/2009	jfrantze 05/06/2009	_____ _____	sbasford 05/06/2009		
/5	emueller 05/08/2009	jdye 05/08/2009	rschluet 05/08/2009	_____ _____	cduerst 05/08/2009	cduerst 07/30/2009	

FE Sent For: **NONE**

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/3	emueller	jdye	rschluet		lparisi

** will jacket for
Sen Sullivan's office
per phone
conversation
7-30-09
w/
John Sobotik
267-9320
g
DOT
gave the OK*

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15 EVM
5/8/09
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/4	Sum 5/6/09		5/6	5/6			

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/2	emueller 02/27/2009	jdyer 03/02/2009	mduchek 03/02/2009		sbasford 03/02/2009		
/3	Sum 4/17/09						

[Handwritten signatures and initials are present over the Drafting History table, including a large signature over the 'Typed' column for version 2, and initials 'JF' and 'Sum' at the bottom.]

FE Sent For:

<END>

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Subject: Transportation - traffic laws

Extra Copies: ARG

Submit via email: YES

Requester's email: kristie.nielson@dot.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

U-Turns at Intersections on divided highways (NB 0911 29)

Instructions:

See attached

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/?	emueller	1/2 jld					
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FE Sent For:

 **<END>**

Gary, Aaron

From: Nielson, Kristie [kristie.nielson@dot.state.wi.us]
Sent: Thursday, July 24, 2008 9:52 AM
To: Gary, Aaron
Subject: 2009-11 Non-Budget Legislation Proposal Requests
Attachments: NB 0911-02.doc; NB 0911-03.doc; NB 0911-04.doc; NB 0911-05.doc; NB 0911-06.doc; NB 0911-07.doc; NB 0911-13.doc; NB 0911-14.doc; NB 0911-15.doc; NB 0911-16.doc; NB 0911-27.doc; NB 0911-28.doc; NB 0911-29.doc; NB 0911-30.doc; NB 0911-31.doc; NB 0911-32.doc; considerationrequest-72408.pdf

Please see the attached letter of request and the corresponding Tier 1 documents.

Kristie J.N. Nielson Corning

Federal-State Policy & Budget Analysis

Executive Office of Policy, Budget & Finance
Wisconsin Department of Transportation
Room 132B, 4802 Sheboygan Avenue
Hill Farm State Transportation Building
Madison, WI 53707-7910

Phone: 608/261.8617

FAX: 608/261-8626

kristie.nielson@dot.state.wi.us

09/05/2008

LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL

Wisconsin Department of Transportation

2009-2011 BIENNIUM

DT1586 5/2008

Instructions: Complete this form for any budget/non-budget legislative initiative for which a Division requests the Secretary's Office (SO) approval. Check the budget box only if the proposal has a fiscal impact on department expenditures or revenue. This form must be signed by the Division Administrator(s). Include this form with your budget submittal materials or return one completed copy to the Office of Policy, Budget & Finance (OPBF), Attention: Paul Hammer. The form is available in the department forms catalog on dotnet.

Short Title of Topic U-Turns at Intersections on Divided Highways			
Type of Proposal <input type="checkbox"/> Budget <input checked="" type="checkbox"/> Non-Budget	OGC OFFICE USE ONLY "T" Number Assigned "B" Number Assigned "NB" Number Assigned NB 0911-29		
Date Submitted July 8, 2008	Division(s) DTSD		
OPBF Contact Person Karl Kuecker	Area Code - Telephone Number 608-266-1876		
Lead Division Contact Person Mark Woltmann/Phil DeCabooter	Area Code - Telephone Number 608-266-7594/267-0452		
OGC Contact Person John Sobotik	Area Code - Telephone Number 608-267-9320		
Define Problem Precisely Wisconsin has a statutory prohibition against U-turns at signalized intersections which is possibly too restrictive operationally and out of step with operational and enforcement practices in surrounding states.			
Description of Proposed Change Proposing to change 346.33 to allow U-turns by automobile drivers at signalized intersections on divided highways anywhere in Wisconsin except where specifically prohibited.			
Justification for Change It is difficult to achieve uniform compliance with the current statute and it is inconsistently enforced.			
Describe any legislative history and related statutory language Redraft 2007 LRB 0868/P1.			

(Division Administrator Signature)

(Date)

(Division Administrator Signature)

(Date)

(Division Administrator Signature)

(Date)

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: Sum) (Date: 9 / 10 / 2008)



☐ Please transfer the drafting file for

2007 LRB 0868 to the drafting file

for 2009 LRB 0196

The final version of the 2007 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2007 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2007 draft was incorporated into a new 2009 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the 2009 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--OR--

☐ Please copy the drafting file for

2009 LRB / (include the version) and place it in the

drafting file for 2009 LRB

For research purposes, because the original 2009 draft was incorporated into another 2009 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the new 2009 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then be returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

9/10/08

- 0196/1
LRB-0868/P1

BABldsh

EVM

stays
RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS-
PWF
please

2009 BILL

1 AN ACT ^{Gen} to amend 346.33 (1) (a) of the statutes; relating to: turns at highway
2 intersections. ✓

Analysis by the Legislative Reference Bureau

Under current law, an operator of a vehicle may not make a turn in the opposite direction (U-turn) ✓ in certain circumstances, including at intersections where traffic is controlled by a traffic control signal or by a traffic officer and in any place where there are signs prohibiting U-turns erected by the authority that maintains the highway. ✓

This bill allows drivers on divided highways to make U-turns ✓ at intersections that are controlled by traffic control signals ✓ unless there are signs prohibiting such turns erected by the authority that maintains the highway. ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 346.33 (1) (a) ✓ of the statutes is amended to read:

4 346.33 (1) (a) At any intersection at which traffic is being controlled by traffic
5 control signals or by ✓ a traffic officer; or by a traffic control signal except if the
6 intersection is on a divided highway. ✓

7 (END)

CORRESPONDENCE MEMORANDUM

DT1175 97

Wisconsin Department of Transportation

Date: January 20, 2009
To: Eric Mueller
From: John J. Sobotik, Asst. General Counsel
Subject: LRB-0196/1 – U-turns

Eric:

1. Introduction & Definition

We have reviewed LRB-0196/1 and believe it needs substantial revisions. I apologize that all these topics were not covered in our original drafting memo. I will discuss each change in turn, suggest possible language, and provide the resources I used in looking at the draft and compiling this memo.

First, the reference to divided highways in the draft should be deleted. We have many intersections on undivided highways where islands or other features make u-turns feasible and safe. Accordingly, the reference to divided highways should be discarded. We request that u-turns be legal at any controlled intersection unless signed to prohibit the maneuver. (Today, most local intersections have such signs, not for traffic engineering reasons, but to give force to the state's absolute ban on the maneuver.)

Second, we suggest a definition of "u-turn" be inserted into s. 340.01 or s. 346.01. We initially thought no definition would be needed, but because a number of statutes need to be addressed, we believe adopting a definition is appropriate. We suggest the following definition, based upon California Vehicle Code 665.5:

(for s. 340.01 or 346.01)

"U-turn" means the turning of a vehicle upon a highway to proceed in the opposite direction regardless of whether completed in a single continuous movement.

This definition is consistent with the language of current s. 346.33(1)(intro), Stats. "Y-turns" in which drivers ½ turn, back-up, and complete the turn are a subcategory of u-turns which, we believe, should be specifically precluded at controlled intersections.

2. Amendments to s. 346.33, Stats.

Section 346.33, Stats., generally prohibits u-turns at any controlled intersection in the state. Wisconsin, so far as I can tell, is alone in absolutely prohibiting the maneuver at any intersection. Even states that have a general rule prohibiting u-turns, such as Oregon, allow them in the presence of signs. This draft is intended to bring Wisconsin's treatment of u-turns into agreement with the majority of states by making u-turns legal at intersections unless prohibited by signs. UVC 11-602(a).

In addition, the Uniform Vehicle Code (2000) and most state laws prohibit u-turns at the crests of hills, at curves and at other places where a driver has poor visibility. Uniform Vehicle Code 11-602(b) requires 500 feet visibility; California Vehicle Code s. 22105 requires 200 feet. We believe adopting this 500 foot requirement in Wisconsin makes sense in light of the nature of Wisconsin highways and for consistency with the uniform code.

Finally, we believe it is worthwhile to specify three additional points with regard to the execution of u-turns at controlled intersections. First, for safety reasons, y-turns are not to be permitted at controlled intersections. Second, the u-turning vehicle has right-of-way over any vehicle at the same intersection executing a right turn on red (consistent with and whether in or not in compliance with s. 346.37(1)(c)3.). Finally, a traffic control officer should be able to direct a person to turn around at an intersection. Current s. 346.33(1)(a) needlessly prohibits persons from obeying such a directive from an officer.

We suggest the following changes to s. 346.33 (which is reproduced in its entirety for readability) might be in order:

346.33 Where turns prohibited, exception.

(1) The operator of a vehicle shall not ~~turn the vehicle so as to proceed in the opposite direction~~ make a u-turn upon a highway at any of the following places:

(a) At any intersection at which traffic is being controlled by ~~traffic control signals or by a traffic officer~~ unless instructed to make a u-turn by the officer;

(b) In mid-block on any street in a business district, except where the highway is a divided highway and where the turn is made at an opening or crossover established by the authority in charge of the maintenance of the highway.

(c) In mid-block on any through highway in a residence district, except where the highway is a divided highway and where the turn is made at an opening or crossover established by the authority in charge of the maintenance of the highway.

(d) At any place where signs prohibiting ~~such turn~~ u-turns have been erected by the authority in charge of the maintenance of the highway.

(e) On an undivided highway, upon any curve or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from any direction within 500 feet.¹

¹ Based on Uniform Vehicle Code (2000) s. 11-602(b) California Vehicle code s. 22105 requires only 200 feet of visibility.

(2) The operator of a vehicle shall not back the vehicle into an intersection at which turns are prohibited by sub. (1) (a) for the purpose of turning the vehicle so as to proceed in the opposite direction upon the highway.

(3) In this section, "mid-block" means any part of a street or highway other than an intersection.

(4) The driver of any vehicle shall not make a u-turn unless such movement can be made safely and without interfering with other traffic.² The operator of a vehicle making a u-turn shall have the right-of-way over any vehicle making a right turn on red signal³. No person making a u-turn at a controlled intersection may make any backing maneuver as part of the movement.⁴

3. Other Consistent Statutory Amendment Suggestions.

Consistent with the above recommendations, WisDOT suggests that the draft also modify the provisions of Ch. 346 dealing with location of vehicles on the highway during traffic maneuvers and operation at traffic signals. We will suggest possible amendment language and the reasoning for each suggestion below.

a. Traffic Control Signals. The left-turn arrow and green light signals should permit u-turns.

346.37 Traffic-control signal legend.

(1) Whenever traffic is controlled by traffic control signals exhibiting different colored lights successively, or with arrows, the following colors shall be used and shall indicate and apply to operators of vehicles and pedestrians as follows:

(a) Green.

1. Vehicular traffic facing a green signal may proceed straight through, make a u-turn or turn right or left unless a sign at such place prohibits ~~either such turn~~ those turning maneuvers, but vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.⁵

...

346.37(1)(d)

(d) Green arrow.

² Based on Uniform Vehicle Code (2000) s. 11-602(a)

³ Consistent with s. 346.37(1)(c)3. We did not say "under 346.37(1)(c)3.", because we want the right-of-way rule to apply regardless of whether the driver complies with the requirement to stop for the right-turn on red, or the requirement to yield to other traffic lawfully using the intersection set forth in that statute.

⁴ This sentence prohibits y-turns at controlled intersections. It, combined with the placement on highway requirements below, will make u-turns illegal for long trucks at most (if not all) controlled intersections. Long trucks simply have to go around the block to reverse direction.

⁵ This is consistent with California Vehicle Code s. 21451(a). Signs should be able to prohibit any of the three turning maneuvers, so the "either such turn" is replaced in this suggestion.

1. Vehicular traffic facing a green arrow signal may enter the intersection only to make the movement indicated by the arrow but shall yield the right-of-way to pedestrians, bicyclists, and riders of electric personal assistive mobility devices lawfully within a crosswalk and to other traffic lawfully using the intersection. Traffic facing a left turn arrow may also make a u-turn unless a sign prohibits u-turns.⁶ When the green arrow signal indicates a right or left turn traffic shall cautiously enter the intersection.

b. Divided Highways.

Current law allows drivers to drive over mountable medians in order to make left or right turns. WisDOT suggests that drivers be able execute the same maneuver in making u-turns. WisDOT believes this is consistent with driver expectations and is already a practice among drivers. Accordingly, slight modification to s. 346.15 would be made.

346.15 Driving on divided highway. Whenever any highway has been divided into 2 roadways by an intervening unpaved or otherwise clearly indicated dividing space or by a physical barrier so constructed as to substantially impede crossing by vehicular traffic, the operator of a vehicle shall drive only to the right of such space or barrier and no operator of a vehicle shall drive over, across or within any such space or barrier except through an opening or at a crossover or intersection established by the authority in charge of the maintenance of the highway, except that the operator of a vehicle when making a left turn to or from a private driveway, alley or highway or making a u-turn may drive across a paved dividing space or a physical barrier not so constructed as to impede crossing by vehicular traffic, unless such crossing is prohibited by signs erected by the authority in charge of the maintenance of the highway.

The u-turn language was added after the private driveway, alley or highway language because u-turns are not made into or from any other highway, but are made on one highway.

c. Required position at turning.

Drivers making u-turns need to be positioned in the far left hand lane prior to the turn, like a driver making a left turn. Where multiple lanes turn left, u-turns are made only from the furthest left lane. Such intersections are invariably signed, so current s. 346.31(1) should deal with that situation. As with a left turn, u-turns are generally made to the left of the center of the intersection where practical. These suggestions are consistent with California Vehicle Code s. 22100 and 22100.5

Where a shared middle lane exists on a highway for making left turns, that lane should also be used by u-turning vehicles. Accordingly, s. 346.31 needs to be amended to accomplish that change.

⁶ This is consistent with California Vehicle Code s. 21451(b). U-turns or left turns can generally be made on left arrows. The maneuver can be prohibited by signs.

We suggest the following amendments be considered:

346.31 Required position and method of turning at intersections...

346.31(3) Left turns. Except as otherwise provided in sub. (4), left turns at intersections shall be made as follows:

(a) The approach for a left turn or u-turn shall be made in that lane farthest to the left which is lawfully available to traffic moving in the direction of travel of the vehicle about to turn left. Unless otherwise marked or posted, this means the lane immediately to the right of the center line or center dividing strip of a 2-way highway and the lane next to the left-hand curb or edge of the roadway of a one-way highway.

(b) The intersection shall be entered in the lane of approach and, whenever practicable, the left turn or u-turn shall be made in that portion of the intersection immediately to the left of the center of the intersection. For the purposes of this paragraph, a divided highway intersected by any other highway is considered to be one intersection.

346.31(4) Left turns on 3-lane highways. On a 2-way highway having an uneven number of lanes the approach for a left turn or u-turn shall be made in the center lane thereof, unless otherwise posted or marked. A left turn into a 2-way highway having an uneven number of lanes shall be made so as to enter the highway in the lane immediately to the right of the center lane.

No revision to 346.31(3)(c) is desired. The u-turn will generally not leave the driver in the further left lane in the opposite direction of travel and there is no desire to require drivers to complete u-turns in the far left lane.

Conclusion.

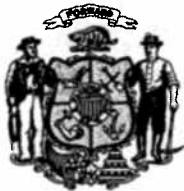
The Department requests the draft be amended to apply to all controlled intersections, not simply those on divided highways. WisDOT also requests that the law require drivers to make u-turns safely and without interfering with other traffic. This provision should apply everywhere, not simply at controlled intersections.

The draft should specify that the operator of a vehicle making a u-turn at a controlled intersection has the right-of-way over any vehicle making a right turn on red signal. In addition, the draft should prohibit a driver making a u-turn at a controlled intersection from making any backing maneuver as part of the movement.

Laws regarding the meaning of green signals and arrows and vehicle placement within an intersection when executing turns should be amended to reflect the u-turn maneuver. Laws regarding the use of two-way middle lanes and raised medians should also be amended to reflect the maneuver.

Finally, the law prohibiting u-turns at officer controlled intersections should be amended to permit a person to obey a traffic officer directive to turn a vehicle around at an intersection.

If you have any further questions or suggestions regarding other statutory provisions that merit consideration in the course of revising state laws on u-turns, please contact John Sobotik at the Department's Office of General Counsel.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0196

EVM:jld:rs

RMR

2009 BILL

1/2/27

AN ACT ^{regent} to amend 346.33 (1) (a) of the statutes relating to: turns at highway
intersection ^g U-turns on highways and providing a penalty

Analysis by the Legislative Reference Bureau

Under current law, an operator of a vehicle may not make a turn in the opposite direction (U-turn) in certain circumstances, including at intersections where traffic is controlled by a traffic control signal or by a traffic officer and in any place where there are signs prohibiting U-turns erected by the authority that maintains the highway. ^{to proceed}

^{Insert - Analysis} This bill allows drivers on divided highways to make U-turns at intersections that are controlled by traffic control signals unless there are signs prohibiting such turns erected by the authority that maintains the highway.

^{Insert 1-3} The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 346.33 (1) (a) of the statutes is amended to read:

346.33 (1) (a) ~~At any intersection at which traffic is being controlled by traffic control signals or by a traffic officer, or by a traffic control signal except if the intersection is on a divided highway.~~

(END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0196/2ins
EVM:jld:rs

INSERT Analysis

This bill removes the general limitation on U-turns at intersections controlled by traffic control signals. This bill also prohibits making U-turns on a curve or near the crest of a grade on an undivided highway where visibility is limited, and making U-turns when unsafe or when the U-turn would interfere with traffic.

INSERT 1-3

SECTION 1. 340.01 (73r) of the statutes is created to read:

340.01 (73r) "U-turn" means the turning of a vehicle so as to proceed in the opposite direction.

SECTION 2. 346.15 of the statutes is amended to read:

346.15 Driving on divided highway. Whenever any highway has been divided into 2 roadways by an intervening unpaved or otherwise clearly indicated dividing space or by a physical barrier so constructed as to substantially impede crossing by vehicular traffic, the operator of a vehicle shall drive only to the right of such the space or barrier and no operator of a vehicle shall drive over, across, or within any such the space or barrier except through an opening or at a crossover or intersection established by the authority in charge of the maintenance of the highway, except that the operator of a vehicle when making a left turn to or from a private driveway, alley, or highway or making a u-turn may drive across a paved dividing space or a physical barrier not so constructed as to impede crossing by vehicular traffic, unless such the crossing is prohibited by signs erected by the authority in charge of the maintenance of the highway.

SECTION 3. 346.31 (3) (title), (a) and (b) of the statutes are amended to read:

346.31 (3) (title) LEFT TURNS AND U-TURNS.



INSERT
1-3 cont

(a) The approach for a left turn or u-turn shall be made in that the lane farthest to the left which is lawfully available to traffic moving in the direction of travel of the vehicle about to turn left. Unless otherwise marked or posted, this means the lane immediately to the right of the center line or center dividing strip of a 2-way highway and the lane next to the left-hand curb or edge of the roadway of a one-way highway.

(b) The intersection shall be entered in the lane of approach and, whenever practicable, the left turn or u-turn shall be made in that portion of the intersection immediately to the left of the center of the intersection. For the purposes of this paragraph, a divided highway intersected by any other highway is considered to be one intersection.

SECTION 4. 346.31 (4) of the statutes is amended to read:

346.31 (4) LEFT TURNS AND U-TURNS ON 3-LANE HIGHWAYS. On a 2-way highway having an uneven number of lanes the approach for a left turn or u-turn shall be made in the center lane thereof, unless otherwise posted or marked. A left turn into a 2-way highway having an uneven number of lanes shall be made so as to enter the highway in the lane immediately to the right of the center lane.

SECTION 5. 346.33 (1) of the statutes is amended to read:

346.33 (1) The operator of a vehicle ~~shall~~ may not ~~turn the vehicle so as to proceed in the opposite direction~~ make a u-turn upon a highway at any of the following places:

(a) At any intersection at which traffic is being controlled by ~~traffic control signals or by~~ a traffic officer; unless instructed by the officer to make a u-turn.

(b) In mid-block on any street in a business district, except where the highway is a divided highway and where the ~~turn~~ u-turn is made at an opening or crossover established by the authority in charge of the maintenance of the highway.



(c) In mid-block on any through highway in a residence district, except where the highway is a divided highway and where the ~~turn~~ u-turn is made at an opening or crossover established by the authority in charge of the maintenance of the highway.

(d) At any place where signs prohibiting such ~~turn~~ a u-turn have been erected by the authority in charge of the maintenance of the highway.

History: 1971 c. 203; 1991 a. 316.

SECTION 6. 346.33 (1) ~~(e)~~ [✓] and (f) [✓] of the statutes are created to read:

346.33 (1) (e) Upon a curve or upon the approach to or near the crest of a grade on any undivided highway [✓] where the vehicle cannot be seen by the driver of any other vehicle within 500 [✓] feet approaching from any direction [✓].

(f) [✓] At any place where a u-turn cannot be made [✓] safely or without interfering with other traffic.

SECTION 7. 346.33 (2) [✓] of the statutes is amended to read:

346.33 (2) The operator of a vehicle shall may [✓] not back the vehicle ~~into an intersection at which turns are prohibited by sub. (1) (a) for the purpose of turning the vehicle so as to proceed in the opposite direction upon the highway at an intersection controlled by an official traffic control device~~ [✓] for the purpose of completing a u-turn.

History: 1971 c. 203; 1991 a. 316.

SECTION 8. 346.37 (1) (a) 1. [✓] of the statutes is amended to read:

346.37 (1) (a) 1. Vehicular traffic facing a green signal may proceed straight through, make a u-turn [✓], or turn right or left unless a sign at such place prohibits ~~either such turn the turning maneuver~~ [✓], but vehicular traffic shall yield the



1 right-of-way to other vehicles and to pedestrians lawfully within the intersection or
2 an adjacent crosswalk at the time ~~such~~ the signal is exhibited.

3 History: 1975 c. 23; 1979 c. 152; 1985 a. 69; 1993 a. 490; 2001 a. 90; 2005 a. 466.

3 SECTION 9. 346.37 (1) (c) 3. of the statutes is amended to read:

4 346.37 (1) (c) 3. Vehicular traffic facing a red signal at an intersection may, after
5 stopping as required under subd. 1., cautiously enter the intersection to make a right
6 turn into the nearest lawfully available lane for traffic moving to the right or to turn
7 left from a one-way highway into the nearest lawfully available lane of a one-way
8 highway on which vehicular traffic travels to the left. No turn may be made on a red
9 signal if lanes of moving traffic are crossed or if a sign at the intersection prohibits
10 a turn. In making a turn on a red signal vehicular traffic shall yield the right-of-way
11 to pedestrians, bicyclists, and riders of electric personal assistive mobility devices
12 lawfully within a crosswalk, to operators of vehicles making a lawful u-turn, and to
13 other traffic lawfully using the intersection.

14 History: 1975 c. 23; 1979 c. 152; 1985 a. 69; 1993 a. 490; 2001 a. 90; 2005 a. 466.

14 SECTION 10. 346.37 (1) (d) 1. of the statutes is amended to read:

15 346.37 (1) (d) 1. Vehicular traffic facing a green arrow signal may enter the
16 intersection only to make the movement indicated by the arrow but shall yield the
17 right-of-way to pedestrians, bicyclists, and riders of electric personal assistive
18 mobility devices lawfully within a crosswalk and to other traffic lawfully using the
19 intersection. Vehicular traffic facing a left turn arrow may make a u-turn unless a
20 sign prohibits u-turns. When the green arrow signal indicates a right or left turn
21 traffic shall cautiously enter the intersection.

History: 1975 c. 23; 1979 c. 152; 1985 a. 69; 1993 a. 490; 2001 a. 90; 2005 a. 466.

(end insert 1-3)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0196/2dn
EVM:jld:rs

date

ATTN: John J. Sobotik

Please review the attached draft carefully to ensure that it is consistent with your intent. In several instances I have varied from your suggested text. In particular, the changes I made to ss. 340.01 (73r) and 346.33 (1) (e) and (f) and (2) are somewhat different from the changes to s. 346.33 suggested in your draft, but, I believe, consistent with your intent. My reasoning for the most significant changes is as follows:

1. The definition I used for "u-turn" does not include the "regardless of whether completed in a single continuous movement" language you suggested. I believe the language without the proviso is broad enough to cover multiple-movement u-turns. Moreover, the changes to s. 346.33 (2) should make clear that multiple movements may be involved in "completing a u-turn."
2. I disaggregated your suggested s. 346.33 (4) into several units. The first portion is contained in 346.33 (1) (f). The portion regarding right-of-way was moved to s. 346.37 (1) (c) 3. The portion regarding backing was integrated into s. 346.33 (2).
3. In the revised s. 346.33 (2), I changed the suggested language to remove the potential ambiguity created by using the undefined term "controlled intersection" by changing the reference to the defined term "official traffic control device." See s. 340.01 (38), stats. Another narrower defined option is "traffic control signal." See s. 340.01 (69), stats.

In addition, there are several other sections in ch. 346, stats., for which you may wish to consider adding a u-turn provision. Specifically, ss. 346.05 (1) (a) and (3), 346.08 (1), 346.09 (4), 346.13 (2), 346.18 (2), 346.35 (1), and 346.80 (2) (a) 2., stats., contain provisions regulating left turns similar to those treated in this draft. Let me know if additional changes are necessary or if you have any questions.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0196/2dn
EVM:jld:md

March 2, 2009

ATTN: John J. Sobotik

Please review the attached draft carefully to ensure that it is consistent with your intent. In several instances I have varied from your suggested text. In particular, the changes I made to ss. 340.01 (73r) and 346.33 (1) (e) and (f) and (2) are somewhat different from the changes to s. 346.33 suggested in your draft, but, I believe, consistent with your intent. My reasoning for the most significant changes is as follows:

1. The definition I used for "U-turn" does not include the "regardless of whether completed in a single continuous movement" language you suggested. I believe the language without the proviso is broad enough to cover multiple-movement U-turns. Moreover, the changes to s. 346.33 (2) should make clear that multiple movements may be involved in "completing a U-turn."

2. I disaggregated your suggested s. 346.33 (4) into several units. The first portion is contained in s. 346.33 (1) (f). The portion regarding right-of-way was moved to s. 346.37 (1) (c) 3. The portion regarding backing was integrated into s. 346.33 (2).

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In addition, there are several other sections in ch. 346, stats., for which you may wish to consider adding a U-turn provision. Specifically, ss. 346.05 (1) (a) and (3), 346.08 (1), 346.09 (4), 346.13 (2), 346.18 (2), 346.35 (1), and 346.80 (2) (a) 2., stats., contain provisions regulating left turns similar to those treated in this draft. Let me know if additional changes are necessary or if you have any questions.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

Mueller, Eric

From: Sobotik, John - DOT [John.Sobotik@dot.wi.gov]
Sent: Friday, April 17, 2009 3:24 PM
To: Mueller, Eric
Subject: RE: U-turns, LRB-0196/2 - U-turns

Eric:

Thank you for reminding me of this. We kicked this around and would request that the bill become effective and applicable on January 1 following passage. We like the January 1 date because it will give us the best opportunity for driver education when the law goes into effect. The media is usually so story-starved at New Years that they will run our traffic law changes.

We don't believe there will be any need for locals to rush out and take action immediately in response to or prior to enactment. For many municipalities like Madison, where no-u-turn signs are found at most intersections, the municipal governments can remove those signs as they have time and believe appropriate. Thus, we don't think an extended effective date (such as a budget cycle) is warranted.

Obviously, if the legislature wants another effective date, that would be fine. But since this is our draft, the Jan. 1 date would be our preference.

- John Sobotik

John Sobotik
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4802 Sheboygan Avenue, Room 115B
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Madison, WI 53707-7910
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Fax: (608) 267 6734

-----Original Message-----

From: Mueller, Eric [mailto:Eric.Mueller@legis.wisconsin.gov]
Sent: Friday, April 17, 2009 2:30 PM
To: Sobotik, John - DOT
Subject: RE: U-turns, LRB-0196/2 - U-turns

John,

I'll have a new draft, including the instant change, for you shortly. One quick question, since there are a few changes in the draft that will potentially require drivers to change their behavior, do you wish to include an effective date and/or an initial applicability date? The initial applicability date is probably a good idea, simply to clarify that the changes apply only to offenses committed after the law becomes effective. The effective date is completely up to you, but it would provide a bit of time to provide notice to drivers of the changing law.

Eric

4/17/2009

From: Sobotik, John - DOT [mailto:John.Sobotik@dot.wi.gov]
Sent: Friday, April 17, 2009 10:21 AM
To: Mueller, Eric
Subject: U-turns, LRB-0196/2 - U-turns

Dear Eric:

While working on another matter this a.m., I stumbled upon another area of the statutes affecting u-turns that should be addressed in any final draft. Section 349.10 deals with authority to designate u-turn legality at intersections. Local authorities, under s. 349.10(1)(f), may prohibit u-turns on state trunk highways provided they have DOT approval to do so. On connecting highways, they need to confer with WisDOT to prohibit right or left turns. The same rule should apply to decisions regarding u-turns on connecting highways. Please include an amendment in the draft to permit local authorities to prohibit u-turns on connecting highways only after conferring with the Department in the manner required for restricting other turning maneuvers. [Connecting highways are local streets that are signed as portions of the state highway system when passing through local communities.]

349.10 Authority to designate one-way highways, safety zones, turns and lanes.

(1) The department, county highway committees and local authorities in regard to highways under their respective jurisdictions, may:..

(f) By order, ordinance or resolution and by the erection of appropriate signs, prohibit U-turns at specified locations. The local authority with the approval of the department may prohibit U-turns and erect appropriate signs on state trunk highways within cities, villages and towns.

(2) No local authority shall declare any part of a connecting highway between portions of the state trunk highway system to be a one-way highway or prohibit right or left turns at any intersection of one such connecting highway with another without due regard for the expeditious flow of intercity traffic using the state trunk highways and without first conferring with the department on the problems involved.

Section 349.10(1)(f) is fine as is and does not need to be amended. Changes on the state highway system regarding u-turns have to be approved by DOT now. Changes to connecting highways should be made in the same manner as they are for left or right turn restrictions.

Perhaps one way to do this would be to add u-turns to the list in 349.10(2), so that it reads something like this:

No local authority shall declare any part of a connecting highway between portions of the state trunk highway system to be a one-way highway or prohibit ~~right or turns~~, left turns or u-turns at any intersection of one such connecting highway with another without due regard for the expeditious flow of intercity traffic using the state trunk highways and without first conferring with the department on the problems involved.

- John Sobotik

John Sobotik
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4/17/2009

Mueller, Eric

From: Sobotik, John - DOT [John.Sobotik@dot.wi.gov]
Sent: Monday, March 16, 2009 4:47 PM
To: Mueller, Eric
Subject: U-Turns Law changes
Attachments: LRB Memo U-turns 0196_2 comments.pdf

Dear Eric:

Attached is a memo on LRB 0196/2. Thank you for your excellent suggestions. I address each suggestion in turn in this response. Looks like a /3 is in order.
Thank you again for your work on this.

- john

John Sobotik
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Madison, WI 53707-7910
Phone: (608) 267 9320
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3/17/2009

CORRESPONDENCE MEMORANDUM

DT1175 97

Wisconsin Department of Transportation

Date: March 16, 2009
To: Eric Mueller
From: John J. Sobotik, Asst. General Counsel
Subject: LRB-0196/2 – U-turns

Thank you for your excellent efforts on this draft. We have only 2 concerns about this draft, believe that most of your recommendations regarding other statutes to consider amending are on-point and merit amendment, and request that when changing 346.08 consistent with this draft on u-turns, that the provisions of another DOT requested amendment to s. 346.08 be incorporated into this draft.

1. 0196/2 Draft.

We have no questions or concerns about the vast majority of this draft. One provision, however, appears to not quite catch our intent entirely.

In the materials we sent you we lumped a number of items together into a proposed 346.33(4), Stats. In looking back over the policy discussion related to that provision, we can see that we did not fully explain our intentions with regard to each sentence in that proposal completely. One of the drafted provisions in the 0196/2 disaggregation of those concepts slightly misses the mark of our intent.

The basic concept is that a driver may not make a u-turn unless the driver can make the movement safely and without interfering with other traffic. This provision was disaggregated on p.3 lines 10-12 and p.4 lines 4-5 of the draft as follows:

346.33(1) The operator of a vehicle ~~shall may not turn the vehicle so as to proceed in the opposite direction~~ make a U-turn upon a highway at any of the following places:... [p. 3, lines 10-12]
(f) At any place where a U-turn cannot be made safely or without interfering with other traffic. [p.4 lines 4-5]

This proposed draft reaches only the safety of the location and does not regulate driver conduct. That was not our original intent. Places that are unsafe for u-turns should be signed to prohibit u-turns. Nonetheless, even at locations where highway geometrics and sight distances allow u-turns to be safely made, then-existing traffic conditions might make the maneuver unsafe or driver behavior (such as spinning tires or powersliding) might make the maneuver unsafe. We wish to require drivers to make the turn in a safe manner that will not interfere with other traffic.

This ties in with some of the other provisions you pointed out that need attention, such as a requirement that u-turning drivers yield to oncoming traffic and not impede traffic. Because the intent is to regulate driver behavior, perhaps an additional provision should

be added outside of subsection (1) of s. 346.33, which is tied (by the introductory language of the subsection) to specific places.

We like the idea of prohibiting both unsafe behavior and making the maneuver at unsafe locations, so we would suggest leaving (1)(f) in place as you drafted it, but adding something to the draft that will prohibit unsafe u-turning driver behavior.

2. Additional Statutory Provisions -- Drafter's Note to LRB 1096/2, Point #3.

Thank you very much for bringing these additional provisions in Ch. 346 to our attention for consideration in this draft. We agree with your assessments and will discuss the suggestions in turn.

a. 346.05(1)(a).

This provision permits a left turning vehicle to use that area of the roadway designated for left-turning vehicles (even when that area is left of the center of the roadway).

It is not unheard of in situations where engineers have constructed protected storage areas for left-turning vehicle for those areas to be partially or entirely left of the geometric center of the roadway. Clearly these areas are constructed for the use of left-turning vehicles. Such lanes are the appropriate place for u-turning vehicles to use when making a u-turn (another provision requires them to use the far left lane).

Accordingly, amending this provision to make it applicable to vehicles making u-turns is appropriate.

b. 346.05(3)

This provision requires slow moving vehicles to travel in the right-hand lane except in limited circumstances, such as making a left turn. Clearly this provision should be amended to permit such vehicles to make u-turns as well as left turns from the left-hand lane. (Indeed amendment is necessary for statutory agreement with the requirement that u-turns be made from the furthest left lane.)

c. 346.08(1)

This provision addresses traffic situations in which a left-turning vehicle is stopped and traffic approaches the left-turning vehicle from the rear. It permits passing the turning vehicle on the right. WisDOT concurs with your assessment that whether the vehicle is turning left or making a u-turn should not matter to the vehicle approaching from the rear (indeed that driver will not know which maneuver the driver will make). Accordingly adding u-turn to the statute is appropriate.

WisDOT has requested NB 0911-30 be drafted to overturn an appellate court decision in Kaufman v. Postle, 243 Wis.2d 45 (Ct.App. 2001). WisDOT designs

roadways specifically to promote and allow cars to pass left-turning vehicles on the right. In Kaufman, the court of appeals determined that, notwithstanding WisDOT paving highway shoulders in order to promote the maneuver and increase traffic flow, drivers may not use the highway shoulder for that purpose. The decision is completely at odds with how highways are designed in the 21st century and how drivers use them. Accordingly, WisDOT requested MB 0911-30 be drafted.

Because this draft will be affecting s. 348.08, and the provision relates to the making of u-turns as well as left turns, we request the provisions of NB 0911-30 be incorporated into this draft.

d. 346.09(4)

This provision prohibits passing a vehicle on the left if it is "indicating its intention to make a left turn." Clearly the same prohibition should be extended to vehicles signaling a left turn but intending to make u-turn.

e. 346.13(2)

This provision provides that a vehicle intending to turn left on a 3-lane 2-direction road may use the center lane to initiate a left-turn maneuver. Using that lane to initiate a u-turn maneuver is also acceptable and the subsection may be amended accordingly.

f. 346.18(2)

This subsection requires left turning vehicles at intersections to yield to oncoming traffic. Clearly u-turning vehicles should be subject to the same requirement and this provision should be amended to effect that result.

g. 346.35

The drafter's note recommends DOT consider s. 346.35(1), but we believe 346.35(intro) and 346.34 also merit attention. This section deals generally with the manner of giving signals for turns.

346.35(intro) requires vehicles to indicate turning maneuvers by signal lamp or lamps whenever a signal is required by s. 346.34. Section 346.34(1)(b) somewhat circularly requires turning vehicle drivers to signal their turns in the manner required by s. 346.35. The statute impliedly assumes that right-turning vehicles will signal right and left-turning vehicles will signal left. U-turning vehicles should signal a left turn. We suggest this requirement be inserted into either 346.35(intro) or 346.34(1)(b).

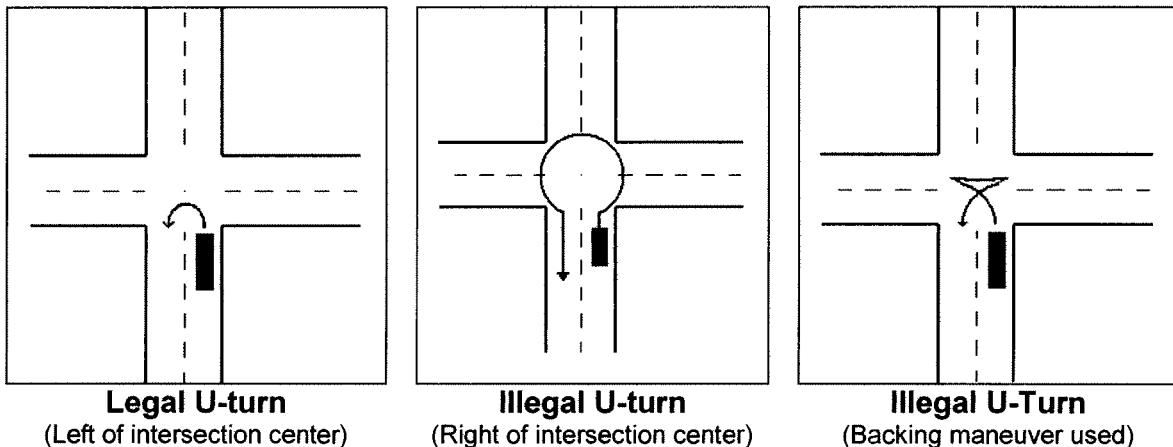
Clearly, then, 346.35(1) should be amended as well to provide that the left turn hand signal is to be used for left or u-turns.

h. 346.80(2)(a)2.

346.80(2)(a)2. provides that persons operating bicycles or Segways (“electric personal assistive mobility devices”) may enter the left lane for purposes of making a left turn. They should be permitted to make the same maneuver for purposes of making a u-turn.

3. Backing maneuvers.

Proposed s. 346.33(2) covers the concept of prohibiting backing maneuvers as part of a u-turn at an intersection. The point of this provision, in combination with the requirement that the turn be made left of the center of the intersection, is to only permit u-turns at intersections where the highway geometrics will support u-turns. If the street is too narrow to permit a vehicle to make a u-turn left of the center of the intersection without any backing, then the vehicle should not be making a u-turn at that location (and will need to go around the block or reverse direction in some other manner).



On p. 4, line 11 the prohibition restricts persons from using any backing maneuver “for the purpose of *completing* a U-turn.” Perhaps it would be better to use “making” in this context, rather than “completing.” At an intersection, a u-turn may not be initiated or completed through the use of a backing maneuver. Mid-block, of course, y-turns (a sub-type of u-turn under the proposed statutory definition) may be permitted.

Finally, it is worth noting that s. 346.87 places limits on backing. I believe that the place you have inserted this provision in LRB-0196/2 makes sense and is preferable to inserting the provision in 346.87 because it ties the provision more closely to the u-turn rules in that statute.



State of Wisconsin
2009 - 2010 LEGISLATURE

13
LRB-01962
EVM:jld:md

RMR

2009 BILL

In 4/17/09

1 AN ACT ^{regen} to amend 346.15, 346.31 (3) (title), (a) and (b), 346.31 (4), 346.33 (1),
2 346.33 (2), 346.37 (1) (a) 1., 346.37 (1) (c) 3. and 346.37 (1) (d) 1.; and to create
3 340.01 (73r) and 346.33 (1) (e) and (f) of the statutes, relating to: U-turns on
4 highways and providing a penalty. ✓

Analysis by the Legislative Reference Bureau

Under current law, an operator of a vehicle may not make a turn to proceed in the opposite direction (U-turn) in certain circumstances, including at intersections where traffic is controlled by a traffic control signal or by a traffic officer and in any place where there are signs prohibiting U-turns erected by the authority that maintains the highway.

✓ This bill removes the general limitation on U-turns at intersections controlled by traffic control signals. This bill also prohibits making U-turns on a curve or near the crest of a grade on an undivided highway where visibility is limited, and making U-turns when unsafe or when the U-turn would interfere with traffic.

Insert Analysis
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 SECTION 1. 340.01 (73r) of the statutes is created to read:

BILL

1 340.01 (73r) "U-turn" means the turning of a vehicle so as to proceed in the
2 opposite direction.

3 SECTION 2. 346.15 of the statutes is amended to read:

4 **346.15 Driving on divided highway.** Whenever any highway has been
5 divided into 2 roadways by an intervening unpaved or otherwise clearly indicated
6 dividing space or by a physical barrier so constructed as to substantially impede
7 crossing by vehicular traffic, the operator of a vehicle shall drive only to the right of
8 such the space or barrier and no operator of a vehicle shall drive over, across, or
9 within any such the space or barrier except through an opening or at a crossover or
10 intersection established by the authority in charge of the maintenance of the
11 highway, except that the operator of a vehicle when making a left turn to or from a
12 private driveway, alley, or highway or making a U-turn may drive across a paved
13 dividing space or a physical barrier not so constructed as to impede crossing by
14 vehicular traffic, unless such the crossing is prohibited by signs erected by the
15 authority in charge of the maintenance of the highway.

16 SECTION 3. 346.31 (3) (title), (a) and (b) of the statutes are amended to read:

17 346.31 (3) (title) LEFT TURNS AND U-TURNS.

18 (a) The approach for a left turn or U-turn shall be made in that the lane farthest
19 to the left which is lawfully available to traffic moving in the direction of travel of the
20 vehicle about to turn left. Unless otherwise marked or posted, this means the lane
21 immediately to the right of the center line or center dividing strip of a 2-way highway
22 and the lane next to the left-hand curb or edge of the roadway of a one-way highway.

23 (b) The intersection shall be entered in the lane of approach and, whenever
24 practicable, the left turn or U-turn shall be made in that portion of the intersection
25 immediately to the left of the center of the intersection. For the purposes of this

BILL

1 paragraph, a divided highway intersected by any other highway is considered to be
2 one intersection.

3 **SECTION 4.** 346.31 (4) of the statutes is amended to read:

4 346.31 (4) LEFT TURNS AND U-TURNS ON 3-LANE HIGHWAYS. On a 2-way highway
5 having an uneven number of lanes the approach for a left turn or U-turn shall be
6 made in the center lane thereof, unless otherwise posted or marked. A left turn into
7 a 2-way highway having an uneven number of lanes shall be made so as to enter the
8 highway in the lane immediately to the right of the center lane.

9 **SECTION 5.** 346.33 (1) of the statutes is amended to read:

10 346.33 (1) The operator of a vehicle ~~shall~~ may not turn the vehicle so as to
11 ~~proceed in the opposite direction~~ make a U-turn upon a highway at any of the
12 following places:

13 (a) At any intersection at which traffic is being controlled by ~~traffic control~~
14 ~~signals or by a traffic officer;~~ unless instructed by the officer to make a U-turn.

15 (b) In mid-block on any street in a business district, except where the highway
16 is a divided highway and where the ~~turn~~ U-turn is made at an opening or crossover
17 established by the authority in charge of the maintenance of the highway.

18 (c) In mid-block on any through highway in a residence district, except where
19 the highway is a divided highway and where the ~~turn~~ U-turn is made at an opening
20 or crossover established by the authority in charge of the maintenance of the
21 highway.

22 (d) At any place where signs prohibiting ~~such turn~~ a U-turn have been erected
23 by the authority in charge of the maintenance of the highway.

24 **SECTION 6.** 346.33 (1) (e) and (f) of the statutes are created to read:

BILL

SECTION 6

1 346.33 (1) (e) Upon a curve or upon the approach to or near the crest of a grade
2 on any undivided highway where the vehicle cannot be seen by the driver of any other
3 vehicle within 500 feet approaching from any direction.

4 (f) At any place where a U-turn cannot be made safely or without interfering
5 with other traffic.

6 **SECTION 7.** 346.33 (2) of the statutes is amended to read:

7 346.33 (2) The operator of a vehicle ~~shall~~ may not back the vehicle into an
8 intersection at which turns are prohibited by sub. (1) (a) for the purpose of turning
9 the vehicle so as to proceed in the opposite direction upon the highway at an
10 intersection controlled by an official traffic control device for the purpose of
11 completing a U-turn.

12 **SECTION 8.** 346.37 (1) (a) 1. of the statutes is amended to read:

13 346.37 (1) (a) 1. Vehicular traffic facing a green signal may proceed straight
14 through, make a U-turn, or turn right or left unless a sign at such place prohibits
15 either such turn the turning maneuver, but vehicular traffic shall yield the
16 right-of-way to other vehicles and to pedestrians lawfully within the intersection or
17 an adjacent crosswalk at the time ~~such~~ the signal is exhibited.

18 **SECTION 9.** 346.37 (1) (c) 3. of the statutes is amended to read:

19 346.37 (1) (c) 3. Vehicular traffic facing a red signal at an intersection may, after
20 stopping as required under subd. 1., cautiously enter the intersection to make a right
21 turn into the nearest lawfully available lane for traffic moving to the right or to turn
22 left from a one-way highway into the nearest lawfully available lane of a one-way
23 highway on which vehicular traffic travels to the left. No turn may be made on a red
24 signal if lanes of moving traffic are crossed or if a sign at the intersection prohibits
25 a turn. In making a turn on a red signal vehicular traffic shall yield the right-of-way

BILL

1 to pedestrians, bicyclists, and riders of electric personal assistive mobility devices
2 lawfully within a crosswalk, to operators of vehicles making a lawful U-turn, and to
3 other traffic lawfully using the intersection.

4 **SECTION 10.** 346.37 (1) (d) 1. of the statutes is amended to read:

5 346.37 (1) (d) 1. Vehicular traffic facing a green arrow signal may enter the
6 intersection ~~only~~ to make the movement indicated by the arrow but shall yield the
7 right-of-way to pedestrians, bicyclists, and riders of electric personal assistive
8 mobility devices lawfully within a crosswalk and to other traffic lawfully using the
9 intersection. Vehicular traffic facing a left turn arrow may make a U-turn unless
10 a sign prohibits U-turns. When the green arrow signal indicates a right or left turn
11 traffic shall cautiously enter the intersection.
12

(END)

INSERT
5-11 →

1 **INSERT Analysis**

2 ¶ In *Kaufman v. Postle*, 2001 WI App 86, 26 N.W. 2d 10, the Wisconsin Court of
3 Appeals determined that the statutes prohibited a motorist from passing a
4 left-turning vehicle on the right by use of a paved shoulder. This bill reverses that
5 decision by specifically allowing a motorist to pass a left-turning vehicle on the right
6 by use of either the roadway or a paved shoulder.

7 **INSERT 2-2**

8 **SECTION 1.** 346.05 (1) (a) of the statutes is amended to read:

9 346.05 (1) (a) When making an approach for a left turn or U-turn under
10 circumstances in which the rules relating to left turns or U-turns require driving on
11 the left half of the roadway; or

12 History: 1995 a. 138; 2001 a. 15, 90.

13 **SECTION 2.** 346.05 (3) of the statutes is amended to read:

14 346.05 (3) Any vehicle proceeding upon a roadway at less than the normal
15 speed of traffic at the time and place and under the conditions then existing shall be
16 driven in the right-hand lane then available for traffic, or as close as practicable to
17 the right-hand edge or curb of the roadway, except when overtaking and passing
18 another vehicle proceeding in the same direction or when preparing for a left turn
19 or U-turn at an intersection or a left turn into a private road or driveway, and except
20 as provided in s. 346.072.

21 History: 1995 a. 138; 2001 a. 15, 90.

22 **SECTION 3.** 346.08 (intro.) and (1) of the statutes are amended to read:

23 **346.08 When overtaking and passing on the right permitted.** (intro.) The
24 operator of a vehicle may overtake and pass another vehicle upon the right only
25 under conditions permitting such the movement in safety and only if the operator can
26 do so ~~without driving off the pavement or main-traveled portion of the~~ while

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1 remaining on either the roadway or a paved shoulder,✓ and then only under the
2 following conditions:

3 History: 1991 a. 316.✓

3 (1)✓ When the vehicle overtaken is making or about to make a left turn or
4 U-turn;✓ or

5 History: 1991 a. 316.

5 **SECTION 4.** 346.09 (4)✓ of the statutes is amended to read:

6 346.09 (4) Other provisions of this section notwithstanding, the operator of a
7 vehicle ~~shall~~✓ may not overtake and pass on the left any other vehicle which, by means
8 of signals as required by s. 346.34 (1), indicates its intention to make a left turn or
9 U-turn.✓

10 **SECTION 5.** 346.13 (2)✓ of the statutes is amended to read:

11 346.13 (2) Upon a 2-way roadway which is divided into 3 lanes the operator
12 of a vehicle ~~shall~~✓ may not drive in the center lane except when overtaking and
13 passing another vehicle where the roadway is clearly visible and ~~such the~~✓ center lane
14 is clear of traffic within a safe distance, or in preparation for a left turn✓ or U-turn,
15 or where ~~such the~~ center lane is at the time allocated exclusively to traffic moving
16 in the direction the vehicle is proceeding and is marked or posted to give notice of
17 ~~such the~~✓ allocation.

18 History: 1991 a. 316.

(end ins)

19 **INSERT 2-15**

20 **SECTION 6.** 346.18 (2)✓ of the statutes is amended to read:

21 346.18 (2) **TURNING LEFT OR MAKING A U-TURN AT INTERSECTION.** The operator of
22 a vehicle within an intersection intending to turn to the left or make a U-turn✓ across



1 the path of any vehicle approaching from the opposite direction shall yield the
2 right-of-way to such the vehicle. *check Δ*

History: 1979 c. 210; 1987 a. 25, 28; 1991 a. 316; 1993 a. 490.

3 **INSERT 3-8**

4 *Fix component* **SECTION 7.** 346.33 (title) *repealed and recreated* of the statutes is ~~amended~~ to read:

5 **346.33** (title) *Where U-turns prohibited, exception.* *No scoring*

History: 1971 c. 203; 1991 a. 316.

6
7 **INSERT 4-5**

8 **SECTION 8.** 346.33 (1m) *x* of the statutes is created to read:

9 346.33 (1m) The operator of a vehicle shall exercise due care when making a
10 U-turn *✓* upon a highway and shall only make a *✓* U-turn when the movement can be
11 made safely and without interfering with other traffic. *✓*

12 **INSERT 4-11**

13 **SECTION 9.** 346.34 (1) (b) *x* of the statutes is amended to read:

14 346.34 (1) (b) In the event any other traffic may be affected by such *✓* the
15 movement, no person may *✓* so turn any vehicle without giving an appropriate signal
16 in the manner provided in s. 346.35. A person making a U-turn *✓* shall use the same
17 signal used to indicate a left turn. *✓* When given by the operator of a vehicle other than
18 a bicycle or electric personal assistive mobility device, such *✓* the signal shall be given
19 continuously during not less than the last 100 feet traveled by the vehicle before
20 turning. The operator of a bicycle or electric personal assistive mobility device shall
21 give such *✓* the signal continuously during not less than the last 50 feet traveled before
22 turning. A signal by the hand and arm need not be given continuously if the hand



is needed in the control or operation of the bicycle or electric personal assistive mobility device.

History: 1973 c. 182; 1995 a. 138; 2001 a. 90.

SECTION 10. 346.35 (1) of the statutes is amended to read:

346.35 (1) Left turn or U-turn—Hand and arm extended horizontally.

INSERT 5-11

SECTION 11. 346.80 (2) (a) 2. of the statutes is amended to read:

346.80 (2) (a) 2. When preparing for a left turn or U-turn at an intersection or a left turn into a private road or driveway.

History: 1973 c. 182; 1977 c. 208, 288; 1979 c. 197; 1985 a. 69; 1995 a. 138; 2001 a. 90.

SECTION 12. 349.10 (2) of the statutes is amended to read:

349.10 (2) No local authority shall declare any part of a connecting highway between portions of the state trunk highway system to be a one-way highway or prohibit right or left turns or U-turns at any intersection of one such connecting highway with another without due regard for the expeditious flow of intercity traffic using the state trunk highways and without first conferring with the department on the problems involved.

History: 1973 c. 175; 1977 c. 29 s. 1654 (3), (8) (a); 1977 c. 116, 272; 1993 a. 246.

SECTION 13. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection.

SECTION 14. Effective date.

(1) This act takes effect on the January 1 after publication.

(end ins 5-11)

Mueller, Eric

From: Sobotik, John - DOT [John.Sobotik@dot.wi.gov]
Sent: Monday, May 04, 2009 4:16 PM
To: Mueller, Eric
Subject: RE: Draft 3 - NB 0911-29 (U-Turns on Highways)

Eric:

Thank you. Yes, would you please correct the problem with 346.18(2) so that any ambiguity is resolved and it is clear that u-turning vehicles have to yield to cars already in the lane they intend to turn into.

I know the Secretary's office is anxious to have this ready to go, so if editing can turn it around quickly, we would appreciate it.

Thank you very much.

- John Sobotik

John Sobotik
Asst. General Counsel
Wisconsin Dept. of Transportation
4802 Sheboygan Avenue, Room 115B
P.O. Box 7910
Madison, WI 53707-7910
Phone: (608) 267 9320
Fax: (608) 267 6734

> -----Original Message-----
> From: Mueller, Eric [mailto:Eric.Mueller@legis.wisconsin.gov]
> Sent: Monday, May 04, 2009 3:58 PM
> To: Sobotik, John - DOT
> Subject: RE: Draft 3 - NB 0911-29 (U-Turns on Highways)
>
>
> John,
>
> Your comment regarding possible amendment of s. 346.18(2) is
> well-taken.
> After reviewing several definitions, I think the common definition of
> "across" is limited to crossing from one side to the other.
> I think you
> are also right, though, in believing that s. 346.33(1m) provides an
> alternate basis for prohibiting unsafe u-turns into oncoming traffic.
> For maximal consistency, s. 346.18(2) should probably be amended. I
> doubt, however, that any practical consequences will attach.
> I leave it
> to you to decide if you'd like another draft to avoid the possible
> ambiguity. As a note, if this is the only change to the draft, I can
> have a draft prepared rather quickly (depending upon the work-load of
> editing staff).
>
> As to the changes unrelated to your specific requests, those are,
> indeed, cleanups. We are now advised to use the construction "no
> person may" or "a person may not" for statutory prohibitions. I
> believe the reason has to do with a court case or cases that called
> into question the strength of prohibitions using "shall" as a portion
> of the construction. The other changes are, in general, removals of
> legalistic or archaic constructions. Use of "such" in place of an
> article is specifically cited as a practice to avoid by our current
> drafting manual.
>

> Let me know if you have any further questions or requests.

>

> Eric.

>

> -----Original Message-----

> From: Sobotik, John - DOT [mailto:John.Sobotik@dot.wi.gov]

> Sent: Friday, May 01, 2009 4:30 PM

> To: Mueller, Eric

> Subject: FW: Draft 3 - NB 0911-29 (U-Turns on Highways)

>

> Dear Eric:

>

> I'm back from my surgery & vacation and had a chance to go over this

> draft. It looks very good. Thank you for all of the time and effort

> you put into this.

>

> After going over it, I have one question/thought that I would like

> your opinion on, and a request for a copy of the relevant page of your

> drafting manual or confirmation that what you did in some sections is

> what I believe you did...

>

> First, in section 8, p.4, lines 8-9, we amended the provision

> requiring left turning vehicles going ACROSS the path of an oncoming

> vehicle to yield to the oncoming traffic to include u-turns. Do you

> think the word "across" should be supplemented by "or into" so that a

> u-turning vehicle not completely crossing an oncoming car's lane of

> traffic but driving INTO that lane of traffic should also yield? It

> seems to me that the proposed 346.33(1m) [section 14, p.6, l. 3-6]

> prohibits interference with other traffic. Do you think that

> provision is sufficient or do you think we need to clarify the

> amendment to 346.18(2) made in section 8?

>

> Second, in a number of places you have made changes that I believe are

> simply LRB "cleanups" of language now disfavored for drafting

> purposes.

> For example, in a number of places the phrase "shall not" is replaced

> by "may not." I believe the LRB drafting manual dictates that the

> "may not" language is the appropriate language to use to indicate an

> absolute prohibition. Thus, no substantive change in the meaning of

> the various provisions is intended by substitution of "may not" for

> "shall not."

> "May not" is simply proper English for indicating an absolute

> prohibition. Would you confirm this is what is intended?

>

> Also, in a number of places words like "such" or "that" are replaced

> with more general articles such as "the." Again, no substantive

> change is intended by those substitutions, correct?

>

> Thanks for all your work on this.

>

> - John Sobotik

>

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> -----

> John Sobotik

> Asst. General Counsel

> Wisconsin Dept. of Transportation

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> Madison, WI 53707-7910
> Phone: (608) 267 9320
> Fax: (608) 267 6734
>
>



State of Wisconsin
2009 - 2010 LEGISLATURE

14
LRB-01963
EVM:jld:rs

2009 BILL

In 5/6/09

RMR

Regen

1 AN ACT *to amend* 346.05 (1) (a), 346.05 (3), 346.08 (intro.) and (1), 346.09 (4),
2 346.13 (2), 346.15, 346.18 (2), 346.31 (3) (title), (a) and (b), 346.31 (4), 346.33 (1),
3 346.33 (2), 346.34 (1) (b), 346.35 (1), 346.37 (1) (a) 1., 346.37 (1) (c) 3., 346.37 (1)
4 (d) 1., 346.80 (2) (a) 2. and 349.10 (2); *to repeal and recreate* 346.33 (title); and
5 *to create* 340.01 (73r), 346.33 (1) (e) and (f) and 346.33 (1m) of the statutes;
6 *relating to:* U-turns on highways and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, an operator of a vehicle may not make a turn to proceed in the opposite direction (U-turn) in certain circumstances, including at intersections where traffic is controlled by a traffic control signal or by a traffic officer and in any place where there are signs prohibiting U-turns erected by the authority that maintains the highway.

This bill removes the general limitation on U-turns at intersections controlled by traffic control signals. This bill also prohibits making U-turns on a curve or near the crest of a grade on an undivided highway where visibility is limited, and making U-turns when unsafe or when the U-turn would interfere with traffic.

In *Kaufman v. Postle*, 2001 WI App 86, 26 N.W. 2d 10, the Wisconsin Court of Appeals determined that the statutes prohibited a motorist from passing a left-turning vehicle on the right by use of a paved shoulder. This bill reverses that

BILL

decision by specifically allowing a motorist to pass a left-turning vehicle on the right by use of either the roadway or a paved shoulder.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 340.01 (73r) of the statutes is created to read:

2 340.01 (73r) "U-turn" means the turning of a vehicle so as to proceed in the
3 opposite direction.

4 **SECTION 2.** 346.05 (1) (a) of the statutes is amended to read:

5 346.05 (1) (a) When making an approach for a left turn or U-turn under
6 circumstances in which the rules relating to left turns or U-turns require driving on
7 the left half of the roadway; or

8 **SECTION 3.** 346.05 (3) of the statutes is amended to read:

9 346.05 (3) Any vehicle proceeding upon a roadway at less than the normal
10 speed of traffic at the time and place and under the conditions then existing shall be
11 driven in the right-hand lane then available for traffic, or as close as practicable to
12 the right-hand edge or curb of the roadway, except when overtaking and passing
13 another vehicle proceeding in the same direction or when preparing for a left turn
14 or U-turn at an intersection or a left turn into a private road or driveway, and except
15 as provided in s. 346.072.

16 **SECTION 4.** 346.08 (intro.) and (1) of the statutes are amended to read:

17 **346.08 When overtaking and passing on the right permitted.** (intro.)

18 The operator of a vehicle may overtake and pass another vehicle upon the right only
19 under conditions permitting ~~such~~ the movement in safety and only if the operator can
20 do so ~~without driving off the pavement or main-traveled portion of the~~ while

BILL

1 remaining on either the roadway or a paved shoulder, and then only under the
2 following conditions:

3 (1) When the vehicle overtaken is making or about to make a left turn or
4 U-turn; or

5 **SECTION 5.** 346.09 (4) of the statutes is amended to read:

6 346.09 (4) Other provisions of this section notwithstanding, the operator of a
7 vehicle ~~shall~~ may not overtake and pass on the left any other vehicle which, by means
8 of signals as required by s. 346.34 (1), indicates its intention to make a left turn or
9 U-turn.

10 **SECTION 6.** 346.13 (2) of the statutes is amended to read:

11 346.13 (2) Upon a 2-way roadway which is divided into 3 lanes the operator
12 of a vehicle ~~shall~~ may not drive in the center lane except when overtaking and
13 passing another vehicle where the roadway is clearly visible and ~~such~~ the center lane
14 is clear of traffic within a safe distance, or in preparation for a left turn or U-turn,
15 or where ~~such~~ the center lane is at the time allocated exclusively to traffic moving
16 in the direction the vehicle is proceeding and is marked or posted to give notice of
17 ~~such~~ the allocation.

18 **SECTION 7.** 346.15 of the statutes is amended to read:

19 **346.15 Driving on divided highway.** Whenever any highway has been
20 divided into 2 roadways by an intervening unpaved or otherwise clearly indicated
21 dividing space or by a physical barrier ~~so~~ constructed ~~as~~ to substantially impede
22 crossing by vehicular traffic, the operator of a vehicle shall drive only to the right of
23 ~~such~~ the space or barrier and no operator of a vehicle shall drive over, across, or
24 within ~~any such~~ the space or barrier except through an opening or at a crossover or
25 intersection established by the authority in charge of the maintenance of the

BILL**SECTION 7**

or make a U-turn into

highway, except that the operator of a vehicle when making a left turn to or from a private driveway, alley, or highway or making a U-turn may drive across a paved dividing space or a physical barrier not so constructed as to impede crossing by vehicular traffic, unless ~~such~~ the crossing is prohibited by signs erected by the authority in charge of the maintenance of the highway.

SECTION 8. 346.18 (2) of the statutes is amended to read:

346.18 (2) **TURNING LEFT OR MAKING A U-TURN AT INTERSECTION.** The operator of a vehicle within an intersection intending to turn to the left or make a U-turn across the path of any vehicle approaching from the opposite direction shall yield the right-of-way to ~~such~~ the vehicle.

SECTION 9. 346.31 (3) (title), (a) and (b) of the statutes are amended to read:

346.31 (3) (title) **LEFT TURNS AND U-TURNS.**

(a) The approach for a left turn or U-turn shall be made in that ~~that~~ the lane farthest to the left which is lawfully available to traffic moving in the direction of travel of the vehicle about to turn left. Unless otherwise marked or posted, this means the lane immediately to the right of the center line or center dividing strip of a 2-way highway and the lane next to the left-hand curb or edge of the roadway of a one-way highway.

(b) The intersection shall be entered in the lane of approach and, whenever practicable, the left turn or U-turn shall be made in that portion of the intersection immediately to the left of the center of the intersection. For the purposes of this paragraph, a divided highway intersected by any other highway is considered to be one intersection.

SECTION 10. 346.31 (4) of the statutes is amended to read:

346.31 (4) **LEFT TURNS AND U-TURNS ON 3-LANE HIGHWAYS.** On a 2-way highway having an uneven number of lanes the approach for a left turn or U-turn shall be

BILL

1 made in the center lane thereof, unless otherwise posted or marked. A left turn into
2 a 2-way highway having an uneven number of lanes shall be made so as to enter the
3 highway in the lane immediately to the right of the center lane.

4 **SECTION 11.** 346.33 (title) of the statutes is repealed and recreated to read:

5 **346.33 (title) U-turns.**

6 **SECTION 12.** 346.33 (1) of the statutes is amended to read:

7 346.33 (1) The operator of a vehicle shall ~~may not turn the vehicle so as to~~
8 ~~proceed in the opposite direction~~ make a U-turn upon a highway at any of the
9 following places:

10 (a) At any intersection at which traffic is being controlled by ~~traffic control~~
11 ~~signals or by a traffic officer;~~ unless instructed by the officer to make a U-turn.

12 (b) In mid-block on any street in a business district, except where the highway
13 is a divided highway and where the ~~turn~~ U-turn is made at an opening or crossover
14 established by the authority in charge of the maintenance of the highway.

15 (c) In mid-block on any through highway in a residence district, except where
16 the highway is a divided highway and where the ~~turn~~ U-turn is made at an opening
17 or crossover established by the authority in charge of the maintenance of the
18 highway.

19 (d) At any place where signs prohibiting ~~such turn~~ a U-turn have been erected
20 by the authority in charge of the maintenance of the highway.

21 **SECTION 13.** 346.33 (1) (e) and (f) of the statutes are created to read:

22 346.33 (1) (e) Upon a curve or upon the approach to or near the crest of a grade
23 on any undivided highway where the vehicle cannot be seen by the driver of any other
24 vehicle within 500 feet approaching from any direction.

BILL**SECTION 13**

1 (f) At any place where a U-turn cannot be made safely or without interfering
2 with other traffic.

3 **SECTION 14.** 346.33 (1m) of the statutes is created to read:

4 346.33 (1m) The operator of a vehicle shall exercise due care when making a
5 U-turn upon a highway and shall only make a U-turn when the movement can be
6 made safely and without interfering with other traffic.

7 **SECTION 15.** 346.33 (2) of the statutes is amended to read:

8 346.33 (2) The operator of a vehicle shall may not back the vehicle into an
9 intersection at which turns are prohibited by sub. (1) (a) for the purpose of turning
10 the vehicle so as to proceed in the opposite direction upon the highway at an
11 intersection controlled by an official traffic control device for the purpose of making
12 a U-turn.

13 **SECTION 16.** 346.34 (1) (b) of the statutes is amended to read:

14 346.34 (1) (b) In the event any other traffic may be affected by such the
15 movement, no person may so turn any vehicle without giving an appropriate signal
16 in the manner provided in s. 346.35. A person making a U-turn shall use the same
17 signal used to indicate a left turn. When given by the operator of a vehicle other than
18 a bicycle or electric personal assistive mobility device, such the signal shall be given
19 continuously during not less than the last 100 feet traveled by the vehicle before
20 turning. The operator of a bicycle or electric personal assistive mobility device shall
21 give such the signal continuously during not less than the last 50 feet traveled before
22 turning. A signal by the hand and arm need not be given continuously if the hand
23 is needed in the control or operation of the bicycle or electric personal assistive
24 mobility device.

25 **SECTION 17.** 346.35 (1) of the statutes is amended to read:

BILL

1 346.35 (1) Left turn or U-turn —Hand and arm extended horizontally.

2 **SECTION 18.** 346.37 (1) (a) 1. of the statutes is amended to read:

3 346.37 (1) (a) 1. Vehicular traffic facing a green signal may proceed straight
4 through, make a U-turn, or turn right or left unless a sign at such place prohibits
5 either ~~such turn~~ the turning maneuver, but vehicular traffic shall yield the
6 right-of-way to other vehicles and to pedestrians lawfully within the intersection or
7 an adjacent crosswalk at the time ~~such~~ the signal is exhibited.

8 **SECTION 19.** 346.37 (1) (c) 3. of the statutes is amended to read:

9 346.37 (1) (c) 3. Vehicular traffic facing a red signal at an intersection may, after
10 stopping as required under subd. 1., cautiously enter the intersection to make a right
11 turn into the nearest lawfully available lane for traffic moving to the right or to turn
12 left from a one-way highway into the nearest lawfully available lane of a one-way
13 highway on which vehicular traffic travels to the left. No turn may be made on a red
14 signal if lanes of moving traffic are crossed or if a sign at the intersection prohibits
15 a turn. In making a turn on a red signal vehicular traffic shall yield the right-of-way
16 to pedestrians, bicyclists, and riders of electric personal assistive mobility devices
17 lawfully within a crosswalk, to operators of vehicles making a lawful U-turn, and to
18 other traffic lawfully using the intersection.

19 **SECTION 20.** 346.37 (1) (d) 1. of the statutes is amended to read:

20 346.37 (1) (d) 1. Vehicular traffic facing a green arrow signal may enter the
21 intersection ~~only~~ to make the movement indicated by the arrow but shall yield the
22 right-of-way to pedestrians, bicyclists, and riders of electric personal assistive
23 mobility devices lawfully within a crosswalk and to other traffic lawfully using the
24 intersection. Vehicular traffic facing a left turn arrow may make a U-turn unless

BILL**SECTION 20**

1 a sign prohibits U-turns. When the green arrow signal indicates a right or left turn
2 traffic shall cautiously enter the intersection.

3 **SECTION 21.** 346.80 (2) (a) 2. of the statutes is amended to read:

4 346.80 (2) (a) 2. When preparing for a left turn or U-turn at an intersection or
5 a left turn into a private road or driveway.

6 **SECTION 22.** 349.10 (2) of the statutes is amended to read:

7 349.10 (2) No local authority shall declare any part of a connecting highway
8 between portions of the state trunk highway system to be a one-way highway or
9 prohibit right or left turns or U-turns at any intersection of one such connecting
10 highway with another without due regard for the expeditious flow of intercity traffic
11 using the state trunk highways and without first conferring with the department on
12 the problems involved.

13 **SECTION 23. Initial applicability.**

14 (1) This act first applies to violations committed on the effective date of this
15 subsection.

16 **SECTION 24. Effective date.**

17 (1) This act takes effect on the January 1 after publication.

18 (END)

Mueller, Eric

From: Sobotik, John - DOT [John.Sobotik@dot.wi.gov]
Sent: Friday, May 08, 2009 10:46 AM
To: Mueller, Eric
Subject: RE: draft #4 - NB 0911-29
Importance: High

I think that works. Or... —

346.18 (2) TURNING LEFT OR MAKING A U-TURN AT INTERSECTION. The operator of a vehicle within an intersection intending to turn to the left across or make a U-turn across or into the path of any vehicle approaching from the opposite direction shall yield the right-of-way to ~~such~~ the vehicle.

That does read a bit clumsily, though.

Or, how about a different approach entirely:

346.18 (2) TURNING LEFT OR MAKING A U-TURN AT INTERSECTION. The operator of a vehicle within an intersection intending to turn to the left or make a U-turn ~~across or into the path of~~ shall yield the right-of-way to any vehicle approaching from the opposite direction ~~shall yield the right-of-way to such~~ (strike) the vehicle.

That gets rid of the "across or into" problem and leaves a much easier to read section, I think.

I defer to your judgment. Any of the 3 solutions would work, particularly with all of these e-mails in the legislative history.

- John Sobotik

John Sobotik
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-----Original Message-----
From: Mueller, Eric [mailto:Eric.Mueller@legis.wisconsin.gov]
Sent: Thursday, May 07, 2009 1:17 PM
To: Sobotik, John - DOT
Subject: RE: draft #4 - NB 0911-29

John,

If the statute reads as follows, does it meet your intent?

346.18 (2) TURNING LEFT OR MAKING A U-TURN AT INTERSECTION. The operator of a vehicle within an intersection intending to turn to the left or make a U-turn across or into the path of any vehicle approaching from the opposite direction shall yield the right-of-way to such(strike) the vehicle.

5/8/2009

Eric

From: Sobotik, John - DOT [mailto:John.Sobotik@dot.wi.gov]
Sent: Thursday, May 07, 2009 8:34 AM
To: Mueller, Eric
Subject: FW: draft #4 - NB 0911-29
Importance: High

Eric:

I think this revised section 8 has the opposite problem from the /3 version we asked you to amend. Rather than supplement the rule about yielding to traffic in lanes being crossed, this draft substitutes a yield requirement aimed only at traffic lanes into which the u-turning vehicle turns.

U-turning vehicles may cross one or more traffic lanes before entering a lane in the opposite direction. The u-turning vehicle must yield to all that traffic. Consider a vehicle making the turn shown in red on the attached drawing. It is crossing the oncoming traffic lane of vehicle 2 and entering the oncoming traffic lane of vehicle 1. The u-turning vehicle needs to yield to both oncoming vehicles.

I apologize if this was unclear from our last request.

- John

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-----Original Message-----

From: Nielson, Kristie - DOT
Sent: Wednesday, May 06, 2009 1:47 PM
To: Sobotik, John - DOT; Woltmann, Mark - DOT; DeCabooter, Phil - DOT; Kuecker, Karl - DOT; Baetsen, Karen - DOT
Subject: draft #4 - NB 0911-29

Please review and approve the attached draft 4 of NB 0911-29. Thank you.

Kristie J.N. Nielson Corning
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5/8/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

15
LRB-0196/4
EVM:jld:jf

RMR

2009 BILL

ln 5/8/09

x Regen

1 AN ACT *to amend* 346.05 (1) (a), 346.05 (3), 346.08 (intro.) and (1), 346.09 (4),
2 346.13 (2), 346.15, 346.18 (2), 346.31 (3) (title), (a) and (b), 346.31 (4), 346.33 (1),
3 346.33 (2), 346.34 (1) (b), 346.35 (1), 346.37 (1) (a) 1., 346.37 (1) (c) 3., 346.37 (1)
4 (d) 1., 346.80 (2) (a) 2. and 349.10 (2); **to repeal and recreate** 346.33 (title); and
5 **to create** 340.01 (73r), 346.33 (1) (e) and (f) and 346.33 (1m) of the statutes;
6 **relating to:** U-turns on highways and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, an operator of a vehicle may not make a turn to proceed in the opposite direction (U-turn) in certain circumstances, including at intersections where traffic is controlled by a traffic control signal or by a traffic officer and in any place where there are signs prohibiting U-turns erected by the authority that maintains the highway.

This bill removes the general limitation on U-turns at intersections controlled by traffic control signals. This bill also prohibits making U-turns on a curve or near the crest of a grade on an undivided highway where visibility is limited, and making U-turns when unsafe or when the U-turn would interfere with traffic.

In *Kaufman v. Postle*, 2001 WI App 86, 26 N.W. 2d 10, the Wisconsin Court of Appeals determined that the statutes prohibited a motorist from passing a left-turning vehicle on the right by use of a paved shoulder. This bill reverses that

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decision by specifically allowing a motorist to pass a left-turning vehicle on the right by use of either the roadway or a paved shoulder.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 340.01 (73r) of the statutes is created to read:

2 340.01 (**73r**) "U-turn" means the turning of a vehicle so as to proceed in the
3 opposite direction.

4 **SECTION 2.** 346.05 (1) (a) of the statutes is amended to read:

5 346.05 (1) (a) When making an approach for a left turn or U-turn under
6 circumstances in which the rules relating to left turns or U-turns require driving on
7 the left half of the roadway; or

8 **SECTION 3.** 346.05 (3) of the statutes is amended to read:

9 346.05 (3) Any vehicle proceeding upon a roadway at less than the normal
10 speed of traffic at the time and place and under the conditions then existing shall be
11 driven in the right-hand lane then available for traffic, or as close as practicable to
12 the right-hand edge or curb of the roadway, except when overtaking and passing
13 another vehicle proceeding in the same direction or when preparing for a left turn
14 or U-turn at an intersection or a left turn into a private road or driveway, and except
15 as provided in s. 346.072.

16 **SECTION 4.** 346.08 (intro.) and (1) of the statutes are amended to read:

17 **346.08 When overtaking and passing on the right permitted.** (intro.)

18 The operator of a vehicle may overtake and pass another vehicle upon the right only
19 under conditions permitting ~~such~~ the movement in safety and only if the operator can
20 do so ~~without driving off the pavement or main-traveled portion of the~~ while

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1 remaining on either the roadway or a paved shoulder, and then only under the
2 following conditions:

3 (1) When the vehicle overtaken is making or about to make a left turn or
4 U-turn; or

5 **SECTION 5.** 346.09 (4) of the statutes is amended to read:

6 346.09 (4) Other provisions of this section notwithstanding, the operator of a
7 vehicle ~~shall~~ may not overtake and pass on the left any other vehicle which, by means
8 of signals as required by s. 346.34 (1), indicates its intention to make a left turn or
9 U-turn.

10 **SECTION 6.** 346.13 (2) of the statutes is amended to read:

11 346.13 (2) Upon a 2-way roadway which is divided into 3 lanes the operator
12 of a vehicle ~~shall~~ may not drive in the center lane except when overtaking and
13 passing another vehicle where the roadway is clearly visible and ~~such~~ the center lane
14 is clear of traffic within a safe distance, or in preparation for a left turn or U-turn,
15 or where ~~such~~ the center lane is at the time allocated exclusively to traffic moving
16 in the direction the vehicle is proceeding and is marked or posted to give notice of
17 ~~such~~ the allocation.

18 **SECTION 7.** 346.15 of the statutes is amended to read:

19 **346.15 Driving on divided highway.** Whenever any highway has been
20 divided into 2 roadways by an intervening unpaved or otherwise clearly indicated
21 dividing space or by a physical barrier ~~so~~ constructed ~~as~~ to substantially impede
22 crossing by vehicular traffic, the operator of a vehicle shall drive only to the right of
23 ~~such~~ the space or barrier and no operator of a vehicle shall drive over, across, or
24 within ~~any such~~ the space or barrier except through an opening or at a crossover or
25 intersection established by the authority in charge of the maintenance of the

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1 highway, except that the operator of a vehicle when making a left turn to or from a
2 private driveway, alley, or highway or making a U-turn may drive across a paved
3 dividing space or a physical barrier not so constructed as to impede crossing by
4 vehicular traffic, unless ~~such~~ the crossing is prohibited by signs erected by the
5 authority in charge of the maintenance of the highway.

6 SECTION 8. 346.18 (2) of the statutes is amended to read:

7 346.18 (2) TURNING LEFT OR MAKING A U-TURN AT INTERSECTION. The operator of ~~strike~~
8 a vehicle within an intersection intending to turn to the left ~~across~~ or make a U-turn
9 ~~into the path of any vehicle approaching from the opposite direction~~ move
10 right-of-way to ~~such the vehicle~~ any approaching from the opposite
direction

11 SECTION 9. 346.31 (3) (title), (a) and (b) of the statutes are amended to read:

12 346.31 (3) (title) LEFT TURNS AND U-TURNS.

13 (a) The approach for a left turn or U-turn shall be made in ~~that the~~ lane farthest
14 to the left which is lawfully available to traffic moving in the direction of travel of the
15 vehicle about to turn left. Unless otherwise marked or posted, this means the lane
16 immediately to the right of the center line or center dividing strip of a 2-way highway
17 and the lane next to the left-hand curb or edge of the roadway of a one-way highway.

18 (b) The intersection shall be entered in the lane of approach and, whenever
19 practicable, the left turn or U-turn shall be made in that portion of the intersection
20 immediately to the left of the center of the intersection. For the purposes of this
21 paragraph, a divided highway intersected by any other highway is considered to be
22 one intersection.

23 SECTION 10. 346.31 (4) of the statutes is amended to read:

24 346.31 (4) LEFT TURNS AND U-TURNS ON 3-LANE HIGHWAYS. On a 2-way highway
25 having an uneven number of lanes the approach for a left turn or U-turn shall be

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1 made in the center lane thereof, unless otherwise posted or marked. A left turn into
2 a 2-way highway having an uneven number of lanes shall be made so as to enter the
3 highway in the lane immediately to the right of the center lane.

4 **SECTION 11.** 346.33 (title) of the statutes is repealed and recreated to read:

5 **346.33 (title) U-turns.**

6 **SECTION 12.** 346.33 (1) of the statutes is amended to read:

7 346.33 (1) The operator of a vehicle ~~shall~~ may not ~~turn the vehicle so as to~~
8 ~~proceed in the opposite direction~~ make a U-turn upon a highway at any of the
9 following places:

10 (a) At any intersection at which traffic is being controlled by ~~traffic control~~
11 ~~signals or by a traffic officer;~~ unless instructed by the officer to make a U-turn.

12 (b) In mid-block on any street in a business district, except where the highway
13 is a divided highway and where the ~~turn~~ U-turn is made at an opening or crossover
14 established by the authority in charge of the maintenance of the highway.

15 (c) In mid-block on any through highway in a residence district, except where
16 the highway is a divided highway and where the ~~turn~~ U-turn is made at an opening
17 or crossover established by the authority in charge of the maintenance of the
18 highway.

19 (d) At any place where signs prohibiting ~~such turn~~ a U-turn have been erected
20 by the authority in charge of the maintenance of the highway.

21 **SECTION 13.** 346.33 (1) (e) and (f) of the statutes are created to read:

22 346.33 (1) (e) Upon a curve or upon the approach to or near the crest of a grade
23 on any undivided highway where the vehicle cannot be seen by the driver of any other
24 vehicle within 500 feet approaching from any direction.

BILL**SECTION 13**

1 (f) At any place where a U-turn cannot be made safely or without interfering
2 with other traffic.

3 **SECTION 14.** 346.33 (1m) of the statutes is created to read:

4 346.33 (1m) The operator of a vehicle shall exercise due care when making a
5 U-turn upon a highway and shall only make a U-turn when the movement can be
6 made safely and without interfering with other traffic.

7 **SECTION 15.** 346.33 (2) of the statutes is amended to read:

8 346.33 (2) The operator of a vehicle ~~shall~~ may not back the vehicle ~~into an~~
9 ~~intersection at which turns are prohibited by sub. (1) (a) for the purpose of turning~~
10 ~~the vehicle so as to proceed in the opposite direction upon the highway at an~~
11 intersection controlled by an official traffic control device for the purpose of making
12 a U-turn.

13 **SECTION 16.** 346.34 (1) (b) of the statutes is amended to read:

14 346.34 (1) (b) In the event any other traffic may be affected by such the
15 movement, no person may so turn any vehicle without giving an appropriate signal
16 in the manner provided in s. 346.35. A person making a U-turn shall use the same
17 signal used to indicate a left turn. When given by the operator of a vehicle other than
18 a bicycle or electric personal assistive mobility device, ~~such~~ the signal shall be given
19 continuously during not less than the last 100 feet traveled by the vehicle before
20 turning. The operator of a bicycle or electric personal assistive mobility device shall
21 give ~~such~~ the signal continuously during not less than the last 50 feet traveled before
22 turning. A signal by the hand and arm need not be given continuously if the hand
23 is needed in the control or operation of the bicycle or electric personal assistive
24 mobility device.

25 **SECTION 17.** 346.35 (1) of the statutes is amended to read:

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1 346.35 (1) Left turn or U-turn —Hand and arm extended horizontally.

2 **SECTION 18.** 346.37 (1) (a) 1. of the statutes is amended to read:

3 346.37 (1) (a) 1. Vehicular traffic facing a green signal may proceed straight
4 through, make a U-turn, or turn right or left unless a sign at such place prohibits
5 ~~either such turn~~ the turning maneuver, but vehicular traffic shall yield the
6 right-of-way to other vehicles and to pedestrians lawfully within the intersection or
7 an adjacent crosswalk at the time ~~such~~ the signal is exhibited.

8 **SECTION 19.** 346.37 (1) (c) 3. of the statutes is amended to read:

9 346.37 (1) (c) 3. Vehicular traffic facing a red signal at an intersection may, after
10 stopping as required under subd. 1., cautiously enter the intersection to make a right
11 turn into the nearest lawfully available lane for traffic moving to the right or to turn
12 left from a one-way highway into the nearest lawfully available lane of a one-way
13 highway on which vehicular traffic travels to the left. No turn may be made on a red
14 signal if lanes of moving traffic are crossed or if a sign at the intersection prohibits
15 a turn. In making a turn on a red signal vehicular traffic shall yield the right-of-way
16 to pedestrians, bicyclists, and riders of electric personal assistive mobility devices
17 lawfully within a crosswalk, to operators of vehicles making a lawful U-turn, and to
18 other traffic lawfully using the intersection.

19 **SECTION 20.** 346.37 (1) (d) 1. of the statutes is amended to read:

20 346.37 (1) (d) 1. Vehicular traffic facing a green arrow signal may enter the
21 intersection ~~only~~ to make the movement indicated by the arrow but shall yield the
22 right-of-way to pedestrians, bicyclists, and riders of electric personal assistive
23 mobility devices lawfully within a crosswalk and to other traffic lawfully using the
24 intersection. Vehicular traffic facing a left turn arrow may make a U-turn unless

BILL**SECTION 20**

1 a sign prohibits U-turns. When the green arrow signal indicates a right or left turn
2 traffic shall cautiously enter the intersection.

3 **SECTION 21.** 346.80 (2) (a) 2. of the statutes is amended to read:

4 346.80 (2) (a) 2. When preparing for a left turn or U-turn at an intersection or
5 a left turn into a private road or driveway.

6 **SECTION 22.** 349.10 (2) of the statutes is amended to read:

7 349.10 (2) No local authority shall declare any part of a connecting highway
8 between portions of the state trunk highway system to be a one-way highway or
9 prohibit right or left turns or U-turns at any intersection of one such connecting
10 highway with another without due regard for the expeditious flow of intercity traffic
11 using the state trunk highways and without first conferring with the department on
12 the problems involved.

13 **SECTION 23. Initial applicability.**

14 (1) This act first applies to violations committed on the effective date of this
15 subsection.

16 **SECTION 24. Effective date.**

17 (1) This act takes effect on the January 1 after publication.

18 (END)

Parisi, Lori

From: Kulig, Steven
Sent: Wednesday, July 29, 2009 1:38 PM
To: LRB.Legal
Subject: Jacket Request

Senator Sullivan would like to request a jacket for LRB 0196/5.

Thanks,

Steven Kulig
Office of State Senator Jim Sullivan
State Capitol Room 15 South
PO Box 7882
Madison, WI 53707-7882
608-266-2512